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THE PROENGLISH Advocate

Two Kings Lead Charge for Official English in Congress

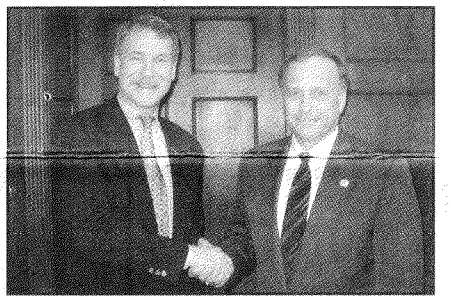
Thanks to two U.S. Representatives named King, two bills to declare English our official language have been introduced in the 108th Congress. Six-term Representative Peter King (R-NY) introduced the National Language Act, H.R. 931, on February 26. The very next day freshmen Representative Steven King (R-IA) introduced the English Language Unity Act, H.R. 997.

Although there are important differences between the two (see analysis below), ProEnglish has endorsed both bills as urgently needed pieces of legislation. Representative Peter King's bill, H.R. 931, represents a more comprehensive repeal of multi-lingual policies, whereas Representative Steven King's bill, is more focused on simply declaring English the official language.

ProEnglish Chairman Bob Park commented, "ProEnglish salutes both Representatives King for their leadership in fighting to protect the linguistic unity and melting pot heritage of our nation." He added, "Congress has two excellent bills before it to make English our official language. We urge Congress to respond to the desire of the American people and pass legislation to preserve English's historic role of creating one, unified nation out of people from all over the world."

As of the time this newsletter went to press, H.R. 931 had attracted 36 co-sponsors and H.R. 997 had attracted 39. To find out if your congressman is a co-sponsor of either bill, please visit our website:www.proenglish.org/resources/legislation.

A comparison of H.R. 931 & H.R. 997	H.R. 931	H.R. 997
Declares English our Official Language	yes	yes
Nullifies / Repeals Executive Order 13166	yes	no
Repeals Bilingual Ballots	yes	no
Repeals Bilingual Education	yes	no
Naturalization Ceremonies solely in English	yes	yes
Citizens Can Sue to Enforce the Law	no	yes



ProEnglish Executive Director, K.C. McAlpin and U.S. Rep. Steven King.

Quote of the Day

"I went through bilingual education and it got me nowhere"
– Deliveryman Francisco Gonzalez speaking in favor of parents' right to get their children in English immersion classes at a Santa Ana, California school board meeting last September (see related story p. 7)

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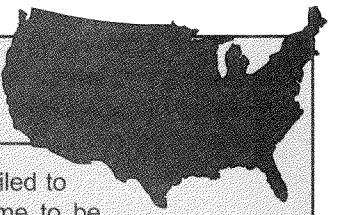
Around the Nation



Oklahoma Legislator Continues Fight for Official English

Oklahoma State Representative Ron Kirby (R-Lawton) has introduced legislation, House Bill 1020 to make English the state's official language.

Kirby said that H.B. 1020 represents the efforts of people from diverse ethnic, cultural and linguistic backgrounds who "continue to benefit from this rich diversity....The common thread binding individuals of differing backgrounds," has been the English language.

The bill represents a continuation of the push for official English in Oklahoma. In 2002 a qualified citizens initiative to put the issue on the ballot was scuttled by the Oklahoma State Supreme Court, which in a highly political move, ruled that the measure was so unconstitutional that voters should not even have the chance to vote for it.

Normally under the U.S. system of divided powers courts wait for a laws to be enacted by legislatures or adopted by voters before ruling on their constitutional compliance. But the state's political establishment was so fearful of the voters' will on official English that a pretext was invented to suppress it.

Minnesota Bill to Require Driver's License Exams in English Fails

The Republican minority leader in the Minnesota State Senate, Senator Dick Day, introduced a bill, S.F. 704, this spring to require state drivers' license exams be given in English without the aid of an interpreter. But his common sense measure to promote the safety of Minnesota's driving public and reduce cheating on drivers' license exams, was blocked by the Senate's Democratic leadership, and failed to emerge from committee in time to be considered this year.

Maine to Provide Driving Manual in Spanish

Despite the fact that Maine's immigrant population is only 2%, Maine Secretary of State Dan Gwadosky announced plans to translate the State's driving manual into Spanish. Road safety has become an issue in Maine since the worst traffic accident in the state's history killed 14 migrant workers from Honduras and Guatemala last September.

The League of United Latin American Citizens (LULAC) says that a Spanish language manual should be only the first step. LULAC is pushing for the driver's license *test* to be offered in Spanish as well. Immigrant's rights groups like LULAC claim that manuals and testing in Spanish are needed for highway "safety."

But critics point out that fluency in English is far more important if "safety" is the objective. People who lack a command of English cannot read highway-warning signs, read highway directions, or communicate with police and emergency personnel.

Although Gwadosky said Maine was willing to translate the manual, he refused to make drivers' license exams available in Spanish. Pointing out that the driver in last year's crash had a license and that speeding was the cause of the accident, he said that language could not be considered a factor in the crash.

As for testing in Spanish, Gwadosky pointed out that since Maine does only 36,000 tests a year, "there really isn't a big need. Maine is not California," he noted.

The ProEnglish Advocate

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The ProEnglish Advocate is published quarterly by ProEnglish. ProEnglish is a non-profit membership-based organization dedicated to educating the American people about the importance of preserving English as our common language and making it the official language of the U.S. All contributions to ProEnglish are tax-deductible.

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In the Courts

Justice Department Agrees Judge Erred in ProEnglish v. Bush Appeal Ruling Still Uncertain

Under intense pressure before the 4th Circuit Court of Appeals, U.S. Department of Justice attorney Tovah Calderon conceded that U.S. District Court judge Leonie Brinkema had blundered badly by dismissing ProEnglish's lawsuit because Executive Order 13166 (E.O. 13166) was not "ripe" for review. Speaking to Calderon, 4th Circuit Judge Dennis Shedd insisted, "Judge Brinkema got that part wrong, didn't she?" Calderon in reply, "yes."

ProEnglish and three medical doctors in active practice filed suit in March 2002, to challenge the constitutionality of E.O. 13166. The order mandates that all entities and individuals receiving federal funds pay for and provide interpreters or translations for non-English speaking immigrants or risk prosecution for civil rights violations.

ProEnglish had appealed Judge Brinkema's decision which was based almost entirely on the premise that it was to early for a court to review E.O. 13166 because the order was not yet in effect. The damaging admission by the Justice Department attorney that Judge Brinkema was wrong, took place April 2 during oral arguments on ProEnglish's appeal before a three judge panel of the 4th Circuit.

ProEnglish attorney Barnaby Zall characterized E.O. 13166 and its implementing policies as the government's "Don't Speak English" rule, and made an impassioned plea that the executive branch of government had clearly violated the Constitution by imposing such a sweeping order without even consulting Congress.

Despite the Justice Department's damaging admission and the strength of ProEnglish's constitutional arguments for overturning E.O. 13166, ProEnglish executive director KC McAlpin cautioned that the court's decision on ProEnglish's appeal could go either way. Higher courts are sometimes reluctant to overturn lower court rulings in cases in which plaintiffs have the option of re-filing their lawsuit, as ProEnglish does in ProEnglish v. Bush.

If the 4th Circuit's rules in favor of ProEnglish, its case will proceed to trial in the Eastern District of Virginia. A decision could be announced at any time.

Alaskan Official English Law Pending Court Appeal

In 1998 Alaskans voted by an overwhelming 69 percent margin to adopt English as their official language. But in March 2002 the law was blocked from taking effect by a state judge who ruled in favor of an Americans for Civil Liberties (ACLU) lawsuit claiming the measure violated the Alaskan State constitution.

Alaskans for a Common Language, the committee that sponsored the official English referendum, appealed the judge's ruling to the State Court of Appeals. A hearing on the appeal is now expected sometime this summer.

Immigrants Say "Learn English"

By 65 percent to 31 percent, more than a two to one margin, immigrants think that the U.S. should expect new immigrants to learn English, America's common language. Hispanic immigrants agreed by a slightly lower margin of 61 percent. Even greater numbers of immigrants – 73 percent — think that schools should teach English as quickly as possible, and by 63 percent to 32 percent, they favor English immersion instead of bilingual education programs in which students are taught primarily in their native language.

ProEnglish executive director KC McAlpin commented, "The findings of the Public Agenda poll are consistent with other polls that show immigrants are overwhelmingly in favor of preserving English as the common language of the United States. It begs the question of exactly who politicians and bureaucrats are pandering to, in their mad rush to convert the United States into a Tower-of-Babel society."

In another significant finding, the same poll found that by 31 percent to 13 percent, immigrants were more likely to think that U.S. borders were "too open" than "too closed."

Public Agenda, a non-partisan research organization, conducted the national poll of 1,002 foreign-born adults for the Carnegie Corporation of New York last fall. The survey has a +/- 3 percent margin of error.

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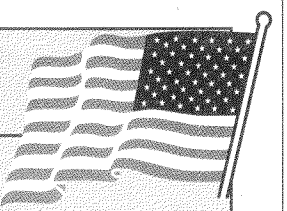
Tracking the Administration



Justice Department Stonewalls City's Bilingual Ballot Queries

The U.S. Department of Justice is stonewalling questions about how it decided that some Clifton, New Jersey voting districts were required to provide ballots and election services in Spanish. Clifton is in Passaic County where elections have been monitored by the Justice Department since the county entered into a consent decree in 1999 after being charged with violating the Voting Rights Act by "diluting the Hispanic voting strength."

Amendments to The Voting Rights Act specify that bilingual ballots must be provided whenever either 5 percent, or 10,000 voters in a district speak a language other than English, and the language in question is Asian, American Indian, Alaskan native, or Hispanic in origin. These groups were singled out for special treatment because the law's sponsors said that they had a history of "exclusion from participation in the electoral process."

One result of Justice Department oversight in Passaic County has been a rapid increase in the number of Clifton precincts classified as requiring both bilingual ballots and Spanish language interpreters. For example, last fall Justice Department monitors added 5 precincts to the number classified as requiring bilingual services in Clifton, raising the number to 33 out of 53, or 62 percent of the total. This struck Clifton city council members as unreasonable. Only 20 percent of Clifton's population speaks Spanish and in recent elections no one has used the Spanish-language interpreter services the city is required to provide at a cost of $30,000 per election.

For the past two years the city council has asked county, state, and federal officials to reveal how they determined that the precincts in question required bilingual services. To date the city has not received a response. City officials suspect that Justice Department monitors used "surname analysis" to classify everyone with an Hispanic surname as Spanish-speaking. Frustrated, Clifton filed a Freedom of Information Request with the Justice Department in March, and threatened to file suit. "We want accountability," said Clifton City Councilman Stefan Tatarenko. "Why haven't they answered us?"

Tatarenko, who has led the city's push on the issue, is an immigrant himself. Of Ukrainian descent, he arrived in Newark at the age of 7 not speaking a word of English. "I'm very supportive of the fact that we should all learn English," said Tatarenko. "Do we start communicating with everybody in every single language?" He added, "Where does it stop?"

ProEnglish opposes bilingual ballot requirements, and supports legislation such as H.R. 931, that would permanently revoke them.

Bush Administration Forces PA County to Hire Spanish Speaking Poll Workers

A county commissioner in Pennsylvania charged the Bush Administration was seeking to curry favor with Hispanic voters by requiring the county to hire Spanish-speaking poll workers and to set up a Spanish-only voter information line.

"We have been told that the administration will make an example of us, and that is what makes this fight, this lawsuit, indefensible," said Berks County Commissioner Tim Reiver. The county official commented in the wake of a Justice Department lawsuit that charged poll workers and election officials were denying Puerto Rican voters "with limited English proficiency an equal opportunity to participate in the political process and to elect representatives of their choice."

The lawsuit grew out of a three-year investigation by Department of Justice employees that alleged poll workers would sometimes treat Spanish-speaking voters rudely or make disparaging or insulting remarks. The Justice Department also found instances in which Hispanic voters were asked for identification, which is not required under Pennsylvania law. *(Cont. page 5)*

What You Can Do

To express your views on official English to President Bush, call (202) 456-1414. To call your U.S. Senators or U.S. Representative, call the Capitol switchboard at (202) 224-3121 and ask to be connected to their office. For information about bills in Congress and suggested action items, access ProEnglish's website at www.ProEnglish.org.

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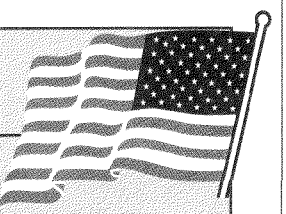
Tracking the Administration (cont.)



The county defended its election procedures as more than reasonable. According to court filings, the county already was making voter registration forms available in Spanish and had Spanish language instructions on 97 percent of the voting machines in Reading, its city with the highest percentage of Hispanic voters. The county pointed out that despite the presence of dozens of federal investigators, allegedly derogatory comments were made in a very few number of precincts over the course of four different elections.

But the Justice Department insisted that the county hire an election overseer with the power to terminate elected polling officials on the spot and act as both judge and jury. When the county balked, the Department of Justice filed suit and succeeded in getting a court injunction. The action was widely viewed as a political act by the Bush Administration.

County Commissioner Mark Scott commented, "We think this is part of a national trend toward a bilingual United States, which we think is a mistake."

Update: *EEOC v. Kidmans*

The last issue of *The ProEnglish Advocate* (February) carried extensive coverage of ProEnglish's decision to help the Kidmans, an Arizona couple charged with discrimination by the Equal Employment Opportunity Commission (EEOC) for having an English on the job rule at their restaurant. ProEnglish is providing direct assistance by matching public contributions to the Kidmans' legal defense fund and giving pro-bono legal assistance to the Kidmans' attorneys.

ProEnglish believes the EEOC's decision to file suit against the Kidmans in federal court represents an effort to force this family into complying with an illegal EEOC policy of attacking employers' English language workplace rules as "discriminatory."

A court-ordered effort to settle the suit without a trial was unsuccessful, and as this issue of *The ProEnglish Advocate* went to press, the Kidmans were waiting for a trial date.

Conversion to Immersion Translates to Huge Gains for CA Students

California education officials announced in March that the number of students scoring at the highest fluency levels nearly tripled since the state's English Language Development Test was first introduced two years ago. "Significant progress toward English proficiency is being made at every grade level," boasted California Superintendent of Public Instruction Jack O'Connell.

The results confirmed the astounding success of the state's switch from bilingual education to English immersion style teaching methods mandated by Proposition 227 in 1998. Since it took most school districts one to two years to change their teaching methods, the two-year period of comparative test scores closely tracks the impact of the conversion to English immersion classrooms.

The struggle to pass the controversial citizens initiative was inspired by Hispanic immigrant parents, who boycotted a local school because they were fed up with the failure of bilingual education programs to teach their children English. That attracted the financial backing of California entrepreneur Ron Unz, and Proposition 227 passed by a margin of 61 percent.

But opposition to the measure's passage was fierce. Initiative opponents charged that Proposition 227 was "racist" and "anti-immigrant" and if passed, would be a catastrophe for California's school children. Opponents included the California Teachers Association, both major party candidates for governor, the Clinton Administration's Department of Education, most of the state's major newspaper editorial boards, self appointed immigrants' rights groups like the Mexican American Legal Defense and Education Fund (MALDEF), Spanish language media tycoons, the bilingual education industry, numerous school officials, and others too numerous mention.

Although test scores rose across the board, students in English immersion classes improved almost twice as much as students still in bilingual education programs.

ProEnglish Board Chairman Bob Park commented, "The amazing improvement recorded by California's English language learners on these standardized proficiency tests shows what these children can achieve when given a chance to learn." He added, "I have often characterized bilingual education as government sponsored child abuse. Sadly, these test scores confirm the accuracy of that assessment."

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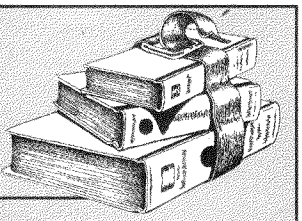
Dispatches from the Bilingual Ed Battlefront



More From Colorado

To follow up on an article in the February 2003 *ProEnglish Advocate* ("Colorado Bilingual Ed Ban Derailed by Avalanche of False TV Ads"):

In late January, a Colorado House Committee killed a measure that would have required two years of English immersion instruction for non-English speaking students.

House Bill 1135, sponsored by State Rep. Richard Decker (R-Fountain), met resistance from parents with English-speaking children in dual-immersion language programs who said they feared the bill would stop them from having their children in such programs. Dual-immersion is the name given to classrooms divided equally between native-English speaking students, and non-English speaking students (usually Spanish-speaking), in which the students are taught half the day in one language and half the day in the other.

Such dual-immersion programs are popular with middle-class parents of English-speaking children who want their children to learn another language. Because of their political popularity, dual-immersion programs are frequently mislabeled "bilingual education programs" by the bilingual education industry and other bilingual education advocates. In actuality "bilingual education" refers to teaching classrooms full of non-English speaking children in their native language most of the day, while trying to teach them English only one or two hours a day.

Decker rejected the claims of bilingual education advocates and predicted there would be another effort to pass an English immersion bill in 2004.

(Mislabeling dual immersion programs as "bilingual education" was reportedly to be a reason why an heiress with a child in dual immersion gave $3 million to defeat a 2002 citizens' initiative that would have ended bilingual education in Colorado.)

Heavily Immigrant Brooklyn School Shines Due to English Immersion

Brooklyn Public School 172 Principal Jack Spatola attributes the academic success of his mostly poor and Hispanic students in large part to his decision to abolish bilingual education programs in favor of English immersion teaching methods.

Nineteen of every twenty students at the school are poor enough to qualify for free meals. And 75 percent of the school's total enrollment is Hispanic.

"About 80 percent of our students are eligible to receive bilingual education," Spatola said. "But we found that children were learning English more rapidly [in English immersion classrooms]. We evolved into using what was more effective," he added.

By the end of kindergarten 80 percent of the school's non-English speaking students are able to transfer into regular classes. That's one of the main reasons credited for the fact that 68 percent of the school's students passed the standardized English exam and 75 percent score as proficient in math.

AZ Schools Head Says English Immersion Stalling Will End

Arizona new schools Superintendent Tom Horne says that the state's remaining bilingual classrooms will be shut down by next fall in compliance with Proposition 203, the statewide initiative to end bilingual education that passed by a 63 percent margin in 2000.

Horne was elected in 2002 after a hard fought campaign in which his strong support for implementing Proposition 203 dominated election news. Commenting on the opposition of some Arizona school administrators to convert to immersion style teaching methods, Horne said, " I feel the Latino kids are being sacrificed. If they're not yet fluent in English, they listen to the Spanish and they're not learning English fast enough."

Fulfilling his campaign pledge, Horne appointed Margaret Garcia-Dugan Associate Superintendent of Education. Garcia-Dugan was a co-chair of English for the Children – Arizona, the organization that led the campaign for Prop. 203.

MA Legislators Try to Undo Voter Mandate

Last fall the citizens of Massachusetts voted to end the state's bilingual education program in favor of a one-year English immersion program when they passed Question 2 by a landslide margin of 68 percent. The election made news headlines because observers were surprised that ending bilingual education would prove so popular in a politically liberal state like Massachusetts, and because voter support for the measure was very strong in heavily immigrant districts.

Now, however, the bilingual education industry and its allies in the Democrat-controlled state legislature are planning to undo the voters' will. Ignoring the latest evidence from California where test scores of English language learning students have risen dramatically since the state did away with its massive bilingual education program in 1998, politicians like State Representative Peter Larkin (D-Pittsfield) and State Rep. Alice Wolf (D-Cambridge) have introduced bills to gut key sections of Question 2.

Dr. Rosalie Pedalino Porter, co-chair of English for the Children – Massachusetts said, "If any or all of the provisions were to be put into the law, it would totally overturn the will of the voters of Massachusetts."

Porter and the people of Massachusetts appear to have one important ally in Republican Governor Mitt Romney, who took a strong stand in support of Question 2 when he ran for governor last fall.

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Santa Ana Voters Kick Bilingual Ed Activist Out of Office

Bilingual education proponents suffered a stunning setback Feb.4, when voters in Santa Ana, California, overwhelmingly voted to recall Santa Ana school board chairman Nativo Lopez from office. The vote to remove Lopez was an astounding 70 percent.

Lopez was known as a diehard champion of bilingual education, and had used his power on the school board to block the implementation of Proposition 227, the statewide initiative to end bilingual education that was adopted by a 61 percent margin in 1998.

The vote was significant because Santa Ana has the highest percentage of Spanish-speakers of any city in the nation according to the Census. The Lopez recall campaign was led by Hispanic parents like Vivian Martinez, who were outraged at the school district's aggressive use of waivers to avoid putting children in the English immersion classes called for by Prop. 227. Martinez and other Santa Ana parents organized a petition drive last spring to put the recall election on the ballot.

The success of their petition drive attracted the backing of businessman-entrepreneur Ron Unz, who organized and funded the 1998 campaign to pass Proposition 227.

In spite of Unz's backing, the success of the recall campaign and the huge margin of victory took many by surprise. Lopez had built a powerful local political machine based on his control of the Santa Ana school budget, which funds the 5th largest school district in California and expends a half billion dollars annually.

And as the founder and head of the Santa Ana based Hermandad Mexicana Nacional (Mexican National Brotherhood), Lopez had gained the strong support of Hispanic political activists and a reputation as an outspoken advocate of "immigrant rights." Lopez's campaign to keep his seat won the endorsement of *The Los Angeles Times* and the active backing of many immigrants' rights organizations such as The Mexican American Legal Defense and Education Fund (MALDEF).

But when the votes were counted, Lopez had lost every precinct in the district including overwhelmingly Hispanic precincts, by margins as high as 90 percent. One factor in Lopez's defeat was the reaction of many Mexican-American voters who seemed to resent Lopez's blatantly anti-assimilation appeals. "I hate it when people say because he's a Latino, he's going to do things for Latinos," said Mary Milanes, a naturalized U.S. citizen who was born in Mexico. "I think they should be doing it for the community," she added.

Why are they all AWOL?

"Mitt Romney is the first politician, Republican or Democrat or Independent, who has come out in favor of English language teaching for immigrant children. Not even . . . President [Bush] has."

— Dr. Rosalie Porter, co-chairman of Massachusetts English for the Children, in *MassNews*, April 16, 2003, commenting on GOP Governor Mitt Romney. Romney's election was attributed largely to his support of a citizens' initiative to end bilingual education in Massachusetts that passed with a margin of 68 percent.

Proctor & Gamble Sponsors Prime Time Ad in Spanish

Some American corporations seem eager dispense with old-fashioned notions like the blessing of a common language if they can find a way to endear themselves to the forces of multiculturalism and promote the dissolution of the nation that gave them birth. The well-known American company Proctor & Gamble (P&G) is one such corporation.

P&G ran a prime-time advertisement for Crest Toothpaste, one of its best-known brands, during the February Grammy Awards ceremony on CBS. Although the program was an English language broadcast, the ad was entirely in Spanish except for its tagline.

P&G defended the ad by saying it was targeted at Hispanics who primarily speak English. Felisa Insignares who works for P&G's 'multicultural external relations department' said, "We need to make sure we communicate with these consumers who have different levels of acculturation."

ProEnglish executive director KC McAlpin commented, "I urge Americans who object to P&G's politically correct and patronizing language policies to communicate with P&G directly. One easy way is to visit their website www.pg.com and send an email message. People also can write the Vice President of Marketing, Proctor & Gamble, 1 P&G Plaza, Cincinnati, OH 45201, or simply do as I do – buy a different toothpaste."

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On Capitol Hill

Rep. Peter King's Bill to Revoke E.O. 13166 Gains Support in Congress

Rep. Peter King

H.R. 300, Representative Peter King's bill to repeal Executive Order 13166 (E.O. 13166) is receiving strong support on Capitol Hill. E.O. 13166 is the order issued by President Clinton — and left in place by President Bush — which says non-English speaking persons have a civil right to government services in their own language. As of the date *The ProEnglish Advocate* went to press, 61 members of the House, including both Republicans and Democrats, had signed on as H.R. 300 co-sponsors.

Since E.O. 13166 applies to any entity receiving federal funds, it includes almost all state and local government offices, as well as doctors, hospitals and other medical providers that participate in Medicaid and Medicare programs.

To reach its goal, E.O. 13166 distorts the definition of 'national origin' by equating it with language. Failure to communicate with a non-English speaking person by providing interpreters and translations of vital documents can be prosecuted as deliberate discrimination under the Civil Rights Act. In addition to ordering sweeping translation and interpreter services, guidelines issued to implement the measure specify that these services be provided *free of charge*. Thus E.O. 13166 is likely to qualify as the most crushing unfunded mandate in U.S. history, costing federal, state, and local taxpayers untold billions of dollars when fully implemented.

ProEnglish Chairman Bob Park commented, "Revoking E.O. 13166 is ProEnglish's top priority. The overwhelming desire of the American people to maintain the linguistic unity of our country was ignored when this decree was issued. We will not stop working until E.O. 13166 is overturned."

In addition to urging Congress to pass H.R. 300, ProEnglish and several physicians have filed suit in federal court to have E.O. 13166 declared unconstitutional (see story p. 3).

English & The American Dream

"I was 2 when I came to the U.S., and I remember learning English by watching 'Sesame Street' and 'The Electric Company.' Thank God that I learned English because instead of becoming an Ivy League university graduate, I might have been a janitor at an Ivy League school whose name I could not even spell."

– from a letter to the editor by Juan E. Alva, published in the *Los Angeles Times* Jan. 13, 2003.

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